

**Summary of Comments and Responses
for the
Lake Merritt Administration Building Dismantling
Project**

Prepared by:

**San Francisco Bay Area Rapid Transit District
300 Lakeside Drive
Oakland, CA 94612**

August 2006

Summary of Comments and Responses for the BART Lake Merritt Administration Building Dismantling Project. Prepared by the San Francisco Bay Area Rapid Transit District, Oakland, CA. August 2006.

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Section 1

Introduction

1.1. Project Overview

The San Francisco Bay Area Rapid Transit District's (BART) system is one of the most vital transportation links in the four Bay Area counties it serves, carrying an average of 310,000 passenger trips every weekday. The Proposed Project consists of dismantling and removing BART's former administration office, referred to as the Lake Merritt Administration (LMA) Building. The Proposed Project does not include the construction of a new building at this location.

This project is proposed for the purpose of seismic safety because the building has been determined to be "at-risk" in the event of a large magnitude earthquake. In such a case, significant damage may be expected and the building would likely be unavailable for occupancy. The aboveground stories are currently unoccupied. Furthermore, due to its proximity to critical BART operations control facilities and systems, as well as the Lake Merritt Station, the building's seismic vulnerability poses a significant threat to the BART operating system as well. Seismic retrofitting of the building is not considered to be an economically viable option.

Under the California Environmental Quality Act (CEQA), BART is required to prepare an environmental evaluation of the Lake Merritt Administration (LMA) Building Dismantling Project and to provide the general public an opportunity to comment on the environmental document. On April 24, 2006 BART distributed a Draft Initial Study/Mitigated Negative Declaration (IS/MND) to agencies and the general public for review and comment. A public hearing was held to receive comments on the Draft IS/MND on May 3, 2006 at the Joseph P. Bort Metro Center in Oakland, California. At the close of the comment period on May 25th ten individuals commented on the Draft IS/MND. Nine of these individuals presented their comments during the May 3rd public hearing. No comments were received from any public agencies.

Although CEQA does not require written responses to comments on a Negative Declaration, BART staff and its contractors have prepared the responses presented below for the convenience of the BART Board in considering the comments received from the public. This document contains all the comments received on the proposed project and responses to those comments.

1.2. Project Description

The Proposed Project consists of dismantling and removing the aboveground floors of the BART's LMA Building for the purpose of seismic safety, as the building was determined to be "at-risk" in the event of a large magnitude earthquake. The project also includes reconfiguration of access provisions and certain building services for the belowground portion of the current facility, which will remain following dismantling of the aboveground structure.

The building, designed and constructed in the late sixties/early seventies and commissioned in 1971, is composed primarily of structural steel and reinforced concrete supported on a shallow (basement) foundation, pre-cast concrete exterior cladding, glazing, fixtures, and equipment and systems associated with building services such as lighting, plumbing, heating, ventilating and air conditioning, personnel and freight elevators. It sits on a city block bounded by Madison Street, Oak Street, 8th Street and 9th Street. It consists of six aboveground stories of office space, a rooftop equipment level (“penthouse”), and a two-story basement, that is home to BART Police (BPD) headquarters, Automatic Fare Collection (AFC) Systems Maintenance, and BART Operations Central Control (OCC).

On the penthouse level of the LMA Building sit various mechanical rooms housing equipment related to building services such as heating, ventilating and air conditioning (HVAC) and elevators. Additionally, this level contains various BART and commercial radio antennas and associated equipment. The functionality of all such BART equipment would be provided for by other means or at other locations within the BART district prior to the dismantling of the building. All affected commercial radio equipment would be removed by their owners per the terms of their license agreements with BART. The building is connected to public utility services such as electricity, water, sewer, natural gas, and telephone beneath the adjacent streets. The aboveground floors of the LMA Building are presently unoccupied. Occasional BART staff meetings are held in the building, most frequently in the former BART Board Room. BART staff, which had previously occupied the aboveground office portion of the building, was relocated during 2004 and 2005 to other office space within Oakland. Prior to dismantling the building, all uses other than those related to BPD, AFC Systems Maintenance, the IT computer room, and the OCC will cease. In addition, the concrete cladding on the first floor exterior of the LMA building recently has begun to deteriorate, creating a potential hazard near the building from falling pieces of concrete. A temporary fence will be installed around the building to exclude pedestrians from the affected portion of the plaza.

The lobby level of the LMA Building is situated in a landscaped LMA Plaza. Although it is not a public park, the LMA Plaza is actively used as a gathering place for local community groups. During the peak period of 8 to 9 am, between 100 and 200 people can be seen performing tai chi and other recreational activities on the plaza. In addition to tai chi, the landscaped plaza adjacent to the LMA Building is used by smaller groups practicing various forms of martial arts, line and ballroom dancing, Chinese Chess, and other recreational activities. Recreational group members include many senior citizens exercising for reasons including physical and mental health. To minimize disruption to members of the tai chi, martial arts, and other recreational groups and impacts to existing recreational facilities, BART staff will work with the City of Oakland to identify a suitable alternative location or locations for their activities. BART will provide information to group leaders, post signs and distribute brochures to group members in English and Chinese regarding project scheduling and other available recreational locations. Damaged concrete pavement, brick pavers and planter boxes would be repaired or replaced. Remaining features associated with basement and station access and services such as stair and elevator “headhouses” and HVAC plant facilities would remain as freestanding structures. The precise configuration and character of such features is not presently known, but would be determined during the design phase.

1.3. Summary of Public Comments

Ten individuals commented on the Draft IS/MND. The California State Clearinghouse notified BART that no comments were received from public agencies. Comments were received at the public hearing held on May 3, 2005 and by mail. Comments from individuals included, but were not limited to, the impact to recreational groups presently using the LMA Plaza adjacent to the LMA Building, the temporary relocation of these groups during project construction, the adequacy of facilities where the groups could feasibly meet during project construction, and the state of the BART LMA Plaza when construction is completed and the LMA Plaza is reopened to the public. The one aspect of the project that received the most individual comment related to the adequacy of facilities where the groups could feasibly meet during project construction. The comments received are reproduced in this document in their entirety.

1.4. Format of the Response to Comments Document

This document contains the following sections.

Section 1. Introduction.

Section 2. Comments and Responses. The California State Clearinghouse provided a letter verifying that they did not receive any comments on the Proposed Project. A copy of this letter is included in Section 2. Comments were received from residents in the project area, members of the tai chi and other recreational groups that use the BART LMA Plaza, and representatives of Oakland's City Council and the Chinatown Chamber of Commerce. Section 2 contains the individual comments submitted to BART, identified as Comment Letters A – C. All other comments, identified as Comments D – K, were oral comments made at the Public Hearing. As such, those comments are included in the Public Hearing transcript, Section 3.

Section 3. Public Hearing Transcript. A public hearing on the Proposed Project was held on Wednesday, May 3, 2006. Section 3 provides those pages from the court reporter's transcript of the public hearing, which contain oral comments made by individuals. Responses to the comments made at the public hearing are included in the responses in Section 2. A copy of the court reporter's transcript of the public hearing, in its entirety, can be obtained by calling the BART LMA Dismantling project information line at the following number and leaving information on how you may be contacted: (510) 464 - 6650. A copy of the document will be mailed to you.

Section 2

Comments and Responses



Arnold Schwarzenegger
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Sean Walsh
Director

May 24, 2006

RECEIVED
BART
JUN 01 2006

Paul Medved
Bay Area Rapid Transit District
P.O. Box 12688
Oakland, CA 94604-2688

Subject: Lake Merritt Administration (LMA) Building Dismantling
SCH#: 2006042133

Dear Paul Medved:

The State Clearinghouse submitted the above named Mitigated Negative Declaration to selected state agencies for review. The review period closed on May 23, 2006, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

Terry Roberts
Director, State Clearinghouse

**Document Details Report
State Clearinghouse Data Base**

SCH# 2006042133
Project Title Lake Merritt Administration (LMA) Building Dismantling
Lead Agency Bay Area Rapid Transit District

Type MN Mitigated Negative Declaration
Description D

The proposed project consists of dismantling and removing the aboveground floors of the BART's Lake Merritt Administration (LMA) Building for the purpose of seismic safety, as the building was determined to be "at-risk" in the event of a large magnitude earthquake. The project also includes reconfiguration of access provisions and certain building services for the belowground portion of the current facility, which will remain following dismantling of the aboveground structure.

Lead Agency Contact

Name Paul Medved
Agency Bay Area Rapid Transit District
Phone (510) 464-6650 **Fax**
email
Address P.O. Box 12688
City Oakland **State** CA **Zip** 94604-2688

Project Location

County Alameda
City Oakland
Region
Cross Streets 800 Madison Street (Madison, Oak, 8th, and 9th Streets)
Parcel No.
Township 1S **Range** 3W **Section** **Base**

Proximity to:

Highways 880, 580, 980
Airports
Railways UPRR
Waterways Lake Merritt, San Francisco Bay, Glen Echo Creek
Schools Grant, Westlake JH, St. Paul's Episcopal, Our Lady of Lourdes, B
Land Use GP: Central Business District
Z: S-2 (Civic Center), S-4 (Design Review), and S-17 (Downtown Residential Usable Open Space)

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Cumulative Effects; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Landuse; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Wildlife

Reviewing Agencies Resources Agency; Regional Water Quality Control Board, Region 2; Department of Parks and Recreation; Native American Heritage Commission; Public Utilities Commission; Department of Health Services; Office of Historic Preservation; Department of Fish and Game, Region 3; Department of Water Resources; California Highway Patrol; Caltrans, District 4; Department of Toxic Substances Control

Date Received 04/24/2006 **Start of Review** 04/24/2006 **End of Review** 05/23/2006

Edward Loo
5855 Snake Road
Oakland, California 94611
Phone 510-339-1859

RECEIVED
BART

MAY 19 2006

May 18, 2006

BART Board of Directors
P.O. Box 12688
Oakland, CA 94604-2688

Subject: Demolition of BART HQ Building and matters related thereto

Dear Directors:

On behalf of the approximately 600 Tai Chi participants who exercise at the Lake Merritt BART Plaza, I thank you very much for the use of the Plaza to further our physical and mental well-being. However, I am enclosing two letters setting forth our concerns on the subject.

Enclosure (1) is my "Public Hearing Presentation of May 3, 2006" addressing the environmental study for the BART HDQ building demolition which I read for the record that evening. With due respect, we find the environmental study (DIS) totally inadequate where it addresses our use of the Plaza. We urge that the study be revised to indicate that our use of the site be designated as "significant" and that mitigation is required to relocate our exercise groups.

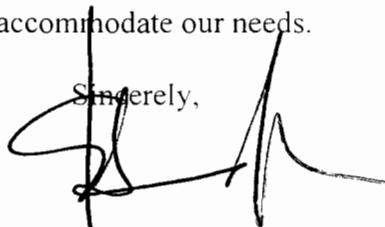
A-1

Enclosure (2) is my letter of April 28, 2006 which my wife Evelyn Loo read for the record during the aforementioned Public Hearing. **The enclosure has been endorsed by 1,160 individuals**, all petitioning for the use of Madison Park while the HDQ building is being demolished. However, we ask that Madison Park be redesigned and reconstructed prior to subject demolition to provide a safe, adequate, and secure site for our practitioners, many of whom are seniors seeking good health and longevity through exercise.

A-2

It is our hope that you along with the City can accommodate our needs.

Sincerely,



Edward Loo
Tai Chi Rep

Enclosures

- (1) Public Hearing Presentation of May 2, 2006 by Edward Loo
- (2) Edward Loo ltr dated April 28, 2006 w/ endorsement by 1,160 individuals

Copy to:w/ enclosures (1) and (2) sans endorsements

Mayor Jerry Brown
City of Oakland

Councilperson Pat Kernighan
City of Oakland

Councilperson Ignacio De La Fuente
City of Oakland

Councilperson Henry Chang
City of Oakland

Councilperson Jean Quan
City of Oakland

Mr. Carl Chan
Oakland Chinatown Chamber of Commerce

Mrs. Jenny Ong
Oakland Chinatown Chamber of Commerce

Mr. Paul Medved, Project Manager
Lake Merritt Administration Building Dismantling Project

Public Hearing Presentation of May 3, 2006

Good evening. I'm Edward Loo, the other half from Oakland Montclair. I too do tai chi everyday of the year, rain or shine.

I have reviewed the DIS and find that the study is totally inadequate where it addresses our use of the Plaza. The study must recognize and reflect the following:

1. That we have been using the Plaza continuously and uninterruptedly since the early 1980's, a period of about 25 years. As such, it is possible that we may have created certain realty interest on the Plaza property, i.e., a prescriptive easement or implied dedication.

A-3

2. That there are currently 33 groups of activities doing various exercises. I have developed a spread sheet to show the groups, their respective schedules, and the number of participants in each group. The spread sheet indicates that the total number of participants is approximately 600 people. (That is 500% more than the "100 tai chi" practitioners now indicated in the DIS.)

A-4

3. That many of the daily users are seniors in their 60's, 70's 80's and 90's who come to the plaza to achieve good physical and mental health as well as longevity,

A-5

4. That current activities include various styles of Tai Chi, QiGong, various sword sets, fan sets. line and ballroom dancing, various forms of gung fu, dragon and lion dance, meditation, shuttlecock kicking, and chinese chess.

A-6

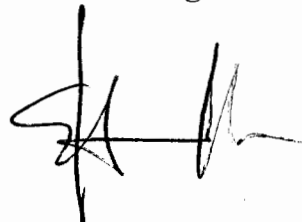
5. That the future success of all the groups requires that they remain together at a single site so as to not to lose its charm and excitement. Also important is that any new site must be highly visibility to the public in order to attract new participants.

A-7

Most important of all, we strongly urge that the DIS be revised to indicate that our use of the site be designated as "significant" and that mitigation is required to relocate our groups.

A-8

Thank you very much.



**Edward Loo
5855 Snake Rd.
Oakland, CA 94611
Phone: 510-339-1859**

Enclosure (1)

Edward Loo
5855 Snake Road
Oakland, California 94611
Phone 510-339-1859
Fax 510-339-9874

April 28, 2006

To Whom It May Concern:

Firstly, we are most appreciative and thankful that BART has allowed us the use of Lake Merritt BART Plaza to exercise every day. The Headquarters' building on the site is set for demolition, necessitating the relocation of the exercise groups. We would support said relocation to "Madison Park" (across the street from the BART Plaza) provided that the park is redesigned and construction be completed so that the park is safe, secure and usable.

A-9

Background: Since the early 1980's, Lake Merritt BART Plaza has been used by many to achieve good physical and mental health through exercise. Every day of the year (rain or shine), people from all over would appear as early as 6:30a.m. to do their thing, be it tai chi, qigong, line dancing, ballroom dancing, lion/dragon dancing, martial arts, etc. Many of the participants are seniors in their 60's, 70's, 80's and 90's. We have a total of 33 activity groups, most of which are there daily. On a busy day (usually a Sunday), there would be over 500 participants. Please see Attachment A for further details on the group activities.

A-10

Current conditions at Madison Park are so unsatisfactory that our people will not go there. Many homeless are there day and night, thereby causing the park to be unfit and unsafe for use. The security issue is a particular problem since over 65% of our participants are women. In addition, the park lacks sufficient flat surface area to fit us all.

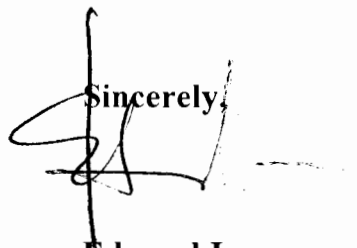
A-11

In any event, that Madison Park must be redesigned and construction be completed prior to the demolition of the BART building. Visitors to the Plaza have often expressed that they wish they have something similar in their community. In fact, COMCAST was so fascinated that they did a program on us. Perhaps the park can be developed and improved to a level where Oakland would be proud to dedicate it as a "Tai Chi Park".

A-12

It is our hope that the aforementioned can be accommodated. Again, we collectively thank BART for the use of the Plaza. Please do not hesitate to contact me if I could be of assistance.

Sincerely,



Edward Loo
BART Plaza Tai Chi

Enclosure (2)
w/o endorsements

Group	Group description	Time	No. of People
1	Zeke-karate	6:30-7:15	3
2	Keiko's Group	6:30-9:00	5
3	Choi-QiGong Session 1	7:00-8:00	75
4	Lee,Choo,Ong-Yang Tai Chi	7:00-9:00	15
5	Johnnie Session 1 Sunday	7:00-8:00	12
6	Sim's Group	7:00-8:00	15
7	Fa Lung Gong	7:00-8:00	8
8	Yuen Git Mo	7:30-9:30	50
9	Elders -Yang Tai Chi	7:30-8:20	10
10	Center Group	7:30-8:30	25
11	9th & Madison Group	7:30-8:30	4
12	Quach's Group	7:30-9:15	15
13	Roberts Group Saturdays/Sundays	7:30-9:30	6
14	Choi-QiGong Session 2	8:00-9:00	110
15	Line Dancing	8:30-9:30	20
16	Center Group-Saturdays/Sundays	8:30-10:30	30
17	Vietnam Gung Foo-certain Sundays	8:30-10:00	12
18	Ballroom dancers	8:30-10:30	12
19	Young's Group Saturdays/Sundays	8:30-9:30	12
20	Victor's Group	8:30-9:00	5
21	Push hand Group Saturdays/Sundays	8:30-9:30	6
22	Harry's Wu Tai Chi	8:30-9:30	5
23	Drum and Singing Group Sundays	8:30-10:00	12
24	Wing's Group	9:30-10:00	5
25	Johnnie Session 2 Sundays	9:30-10:30	20
26	Troy's Group	9:30-11:00	10
27	Filipino Group-Sunday	9:30-11:30	10
28	Shuttlecock Saturdays/Sundays	9:30-10:30	15
29	Dragon Group-Sundays	10:30-11:30	15
30	Saturday Tai Chi Group	10:30-11:30	12
31	Bryant's Group Sunday	11:00-12:00	5
32	Independent one's and two's	anytime	20
33	Chinese chess groups	afternoons	20
Total No.			599

Attachment A

Response to Edward Loo - Comment Letter A

Response to Comment A-1: The commenter requests that the Draft Initial Study/Mitigated Negative Declaration (Draft IS/MND) be revised to state that the current use of the LMA Building Plaza for tai chi exercises is “significant” and that mitigation is required. BART recognizes, values and welcomes the healthy and culturally diverse pursuits of the local community groups, including those who perform tai chi exercises, who gather at the LMA Plaza. These uses are acknowledged in the Draft IS/MND; please see pp. 2, 7, and 55-56. As indicated in the responses to comments below, additional details regarding the current uses will be incorporated into the Final IS/MND. However, the purpose of the LMA Dismantling Project is to remove the threat represented by the seismic vulnerability of the LMA Building, enhancing both safety and service for BART riders, employees and the general public, including the current LMA Plaza users. The recent discovery that the concrete cladding on the first floor exterior of the LMA Building has begun to deteriorate, creating a potential hazard near the building from falling pieces of concrete, further illustrates the need to proceed expeditiously with this seismic safety project. During the course of the project, it will be essential for the public to vacate the LMA Plaza, with the exception of the immediate entrances/exits of the Lake Merritt BART Station.

For purposes of CEQA, the question is not whether the current use is “significant” but whether the temporary closing of the LMA Plaza constitutes a less than significant environmental impact as stated in the Draft IS/MND. BART believes that this conclusion in the Draft IS/MND is correct. The LMA Building Plaza is not a public park or formally designated recreational facility. While the current LMA Plaza users would be temporarily displaced during the dismantling and restoration activities, at the conclusion of the project the LMA Plaza will be restored and available to support this use again. Current users may utilize other local parks or other recreational facilities during project activities, including available open space across the street at Madison Square Park and additional open space areas in Laney College. In fact, BART has observed that some tai chi group members are already conducting their exercises in Madison Square Park. (Please see response to comment A-11, below.) In addition, as part of the project, BART will work to minimize disruption to the tai chi group members and other recreational users by working with the City of Oakland to identify a suitable alternative location or locations and providing information to group leaders, posting signs and distributing brochures in English and Chinese regarding those locations and project scheduling. Accordingly, the project’s recreational impact is considered less than significant and does not require further actions by BART as mitigation. See Draft IS/MND, pp. 2, 7, and 55-56.

Response to Comment A-2: The commenter indicates that Madison Square Park would be a desirable location for relocated recreational activities, but asks that the park be redesigned and reconstructed prior to demolition of the LMA Building. Madison Square Park is owned and operated by the City of Oakland, which has jurisdiction over any improvements to the park. Based on comments by City staff at the May 3, 2006 public hearing for this project, BART understands that the City is considering such improvements, possibly by preparing a Master Plan for the park. In addition, in response to comments from recreational users of the LMA Building

plaza, BART staff have engaged in discussions with community representatives and City of Oakland staff regarding the relocation of recreational activities. Based on these discussions, BART understands that the City is also currently considering short-term improvements, to increase the amount of level surface suitable for tai chi exercises, as well as a longer term strategy for park renovation. Given the proximity of the park to BART's property, including the BART station and operational facilities, BART has a strong interest in the park's future and BART staff intend to work with the City in its planning process. However, implementing even short-term park improvements will take some time. Since such improvements are not necessary as mitigation for a significant impact of this project (please see responses to comments A-1 and A-11), it is not necessary to defer dismantling the seismically unsafe LMA Building until park improvements can be completed.

Response to Comment A-3: The commenter suggests that the use of the LMA Plaza by tai chi participants and other groups since the early 1980s may have created a prescriptive easement or implied dedication. Although BART recognizes the longstanding use of the LMA Plaza as a gathering place for local community groups, including those who perform tai chi exercises, this use has not given rise to such rights. Among other reasons, the ability of members of the public to acquire such rights against property of public agencies is limited by state law. In addition, as the commenter states, the public has used the LMA Plaza with BART's consent, which is inconsistent with acquiring such rights. In any case, the comment does not raise an issue regarding the adequacy of the Draft IS/MND under CEQA.

Response to Comment A-4: The commenter states that 33 groups use the BART LMA Plaza for various recreation activities and provided a spreadsheet indicating that the number of individuals using the BART LMA Plaza for recreational activities is approximately 600. However, data collected by BART indicate that the number of persons utilizing the plaza for recreation at the same time is much lower than 600.

As part of the LMA Building Dismantling Project and in response to public comments received on the Draft IS/MND, BART initiated a study to conduct a count analysis assessing the number of persons utilizing the LMA Building's landscaped plaza and Madison Square Park for recreational use. Counts were conducted over a period of three weeks, from July 10 through 23 and August 20 through 26, 2006.

The study determined that the average number of people utilizing the plaza was 86 on weekdays (ranging from 54 to 110) and 111 on weekends (ranging from 99 to 130). The most popular hour for use of the plaza was between 8:00 am and 8:59 am, with an average of 126 people present on weekdays and 177 on weekends. The largest number of people observed in a one-hour period was 200, on a Sunday between 8:00 and 8:59 am. The complete results of the count analysis are provided in a technical memorandum provided in Appendix A.

Response to Comment A-5: The comment notes that current LMA Plaza users include senior citizens who exercise for health reasons. The Final IS/MND will be revised to include the additional information in this comment.

Response to Comment A-6: The comment lists activities currently conducted at the LMA Building Plaza. The Final IS/MND will be revised to include the additional information in this comment.

Response to Comment A-7: The commenter notes that the future success of all these groups requires that they remain together at a single site, and that any new site must be highly visible to attract new members. As stated in the Draft Initial Study on page 7, “BART will provide information to group leaders, post signs and distribute brochures to group members in English”. Such measures will help to ensure that group members are notified regarding the location and other information pertaining to their recreational activities.

Response to Comment A-8: The commenter requests that the Draft IS/MND be revised to state that the current use of the LMA Building Plaza for tai chi exercises is “significant” and that mitigation is required.” Please see response to Comment A-1, above.

Response to Comment A-9: Please see response to comment A-2.

Response to Comment A-10: The comment provides details on current LMA Plaza users. The Final IS/MND will be revised to include the additional information in this comment. Regarding the numbers of participants, please see response to comment A-4.

Response to Comment A-11: The comment suggests that Madison Square Park is inadequate as a location for the tai chi groups for two reasons: (i) the presence of homeless people, and (ii) insufficient flat surface area.

First, though some LMA Plaza users may perceive Madison Square Park as unattractive due to the presence of a limited number of homeless people, that perception does not give rise to a significant environmental impact. BART has consulted with the Oakland Police Department and is not aware of any reported incidents of harm or harassment caused by homeless people to users of Madison Square Park. Observations of homelessness in Madison Square Park have been recorded since early 2006. The number of homeless in the park is approximately six individuals in the mornings (approximately 8 a.m.) and a dozen individuals in the evenings (approximately 6 p.m.). Furthermore, the current use of the BART LMA Plaza by homeless people does not deter the current recreational group members.

Second, regarding the available area, BART has prepared a detailed comparison of the flat surface area available at the LMA Building Plaza and in Madison Square Park, based on aerial photographs and site visits. In preparing this comparison, BART conservatively assumed that all flat, paved areas within both the LMA Plaza and Madison Square Park were potentially usable, without taking into account grassy areas in the park. The comparison, illustrated in Appendix A, Figure 1, estimated the surface area available to users in Madison Square Park as 21,656 square feet, which represents approximately 80% of the estimated 27,023 square feet currently available at the LMA Plaza. As noted in response to comment A-4, the largest number of people observed in a one-hour period was 200, on a Sunday between 8:00 and 8:59 am. Therefore, approximately 108 square feet are available per user in the park during peak use, conservatively based on the maximum of 200 users in a one-hour period. Thus, while the areas are not identical, there is

room to accommodate most or all of the current LMA Plaza users within existing paved areas of Madison Square Park. Moreover, as the commenter's Attachment A indicates, LMA Plaza users currently exercise in a number of groups on a variety of schedules. If the groups prefer, they can make minor schedule adjustments to spread peak use over different times, accommodating those activities within the slightly smaller capacity of Madison Square Park.

In addition, turf areas within Madison Square Park, which were not counted in this comparison, would provide additional potentially suitable surfaces for recreational group members. For example, groups in Golden Gate Park in San Francisco conduct tai chi exercises on unpaved, grassy areas (<http://www.oceanwavetaichi.com/forms.htm>). Finally, additional open space is available at other nearby locations, such as Laney College. Under these circumstances, it is reasonable to conclude that a less than significant impact on recreational uses will result.

In addition, in recent weeks BART has observed that members of various recreational groups, which formerly met at the LMA Building Plaza, already have begun using Madison Square Park for their activities. Beginning in late May 2006, groups held tai chi and various other recreational classes at Madison Square Park.

As part of the LMA Building Dismantling Project and in response to public comments received on the Draft IS/MND, BART initiated a study to conduct a count analysis assessing the number of persons utilizing the LMA Building's landscaped plaza and Madison Square Park for recreational use. Counts were conducted over a period of three weeks, from July 10 through 23 and August 20 through 26, 2006. The study determined that the average number of people utilizing the LMA Plaza was 86 on weekdays and 111 on weekends, while the average number of people utilizing the Park was 22 on weekdays and 9 on weekends. The most popular hour for use of both the Plaza and the Park was between 8:00 am and 8:59 am, with an average of 126 people present on weekdays and 177 on weekends in the Plaza, and an average of 31 on weekdays and 14 on weekends in the Park. The largest number of people observed in a one-hour period in the Plaza was 200, on a Sunday between 8:00 and 8:59 am, while the largest number of people observed in the Park was 100, on a Monday at the same hour. Thus, while the Plaza was more heavily used overall, Madison Square Park also experienced substantial utilization by recreational users, notwithstanding the presence of homeless persons. The Plaza was most heavily used on weekend days and the Park most used on weekdays. The complete results of the count analysis are provided in a technical memorandum provided in Appendix A.

Response to Comment A-12: The commenter restates earlier suggestion that redesign and reconstruction of Madison Square Park be completed prior to onset of proposed project. Please see response to Comment A-1, A-2, and A-11, above.

As noted above, BART has a strong interest in the future of Madison Square Park and looks forward to working with the City in its planning process. However, under the circumstances, it is reasonable to conclude that the availability of the park in its current condition, and of open space at other sites, together with BART's efforts to work with the City and keep community members informed, are sufficient to ensure that the recreational impact of the LMA Dismantling Project is less than significant (please see response to comment A-11). Accordingly, park redesign and construction are not necessary as mitigation for a significant impact of this project

and it is not necessary to defer dismantling the seismically unsafe LMA Building until park improvements can be completed.



**BART LMA DISMANTLING PROJECT
DRAFT INITIAL STUDY / MITIGATED NEGATIVE DECLARATION
COMMENT CARD**

Thank you for your interest in the BART LMA Dismantling Project. Your input and participation is encouraged and appreciated.

RECEIVED
BART
MAY 23 2006

(Please print clearly.)

Name: Hugh E. Macbeth

Date: 5/23/06

Address: 3916 Patterson Avenue

Oakland
City

CA
State

94619
ZIP-Code

Home Phone: (day) 415:292-1524

E-mail:

Organization/Affiliation: Tai-Chi group that uses the area beside and under bldg. to be demolished.

Comment: My concern is an alternate area nearby that can be used by the many groups that use the surface area of the BART STATION (Merrit Station) while demolition and any construction are taking place there. Suggestions have been heard about the city park across the street providing an alternate venue. However, the surface would need to be flat in a larger area that now exists. Your consideration would be most appreciated in providing ~~an~~ ^{taken} area nearby that would prevent any interruption of the positive community activity that has ~~took~~ ^{taken} place on your property for many years.

B-1

Hugh E. Macbeth

You may hand in your completed comment card to a project representative at the Public Hearing or you may mail or fax it to BART. Please fold this form in half, seal with tape, and add postage before mailing. Fax comment cards to (510) 287-4747. Feel free to send in additional sheets as needed. You may also e-mail your comments to the e-mail address below. All comments must be received by 5:00 p.m. May 23, 2006..

BART LMA Dismantling Project P.O. Box 12688 MS LKS-21 Oakland, CA 94604-2688
Information Line: (510) 464-6650 Fax: (510) 287-4747 Web: www.bart.gov/earthquakesafety
E-mail: lmaproject@bart.gov

Response to Hugh Macbeth - Comment Letter B

Response to Comment B-1: The comment concerns the possible use of Madison Square Park during project construction. The commenter states that the amount of level surface in Madison Square Park should be increased to accommodate the recreational groups that presently use the BART LMA Plaza. Please see responses to Comments A-1, A-2 and A-11, above.

May 3, 2006

Improvements to Madison Park

Madison park is a multiuse multiethnic park with access to Lake Merrit Bart station and Chinatown. It is used by seniors, local residents, parents with children, homeless, exercisers, families, shoppers, Bart patrons and visitors among others. With the closing of the Lake Merrit Bart Station, it is important that it be made safe and attractive to prepare for increased usage. Here are some improvements that would not take much to implement and would greatly enhance its appeal.

1. Better bathroom facilities.
2. Unclogging the drinking fountain drain.
3. Weeding the children's playground.
4. Mowing the lawns.
5. Planting flowers.

C-1

Aside from the bathrooms these are not major or expensive improvements and should be within budget of the Parks and Recreation Department.

Don Schmitt
510 521-5753

Response to Don Schmitt - Comment Letter C

Response to Comment C-1: The comment concerns recommended improvements to Madison Square Park to make it more appealing to the recreational groups that presently use the BART LMA Plaza. The commenter suggests that the following improvements be implemented at Madison Square Park:

- 1) improve bathroom facilities
- 2) repair the drinking fountain drain
- 3) weed the children's playground
- 4) mow turf
- 5) plant flowers

CEQA requires mitigation for significant adverse environmental impacts caused by a project, as compared to existing baseline conditions. To the extent that existing conditions at Madison Square Park could benefit from the suggested improvements, such improvements are the responsibility of the City and may be taken into account in its future plans for the park (see response to comment A-2). However, such improvements are not required as mitigation for this project under CEQA. The LMA Plaza recreational users do not currently have access to bathrooms at the LMA Building; BART understands that they utilize bathrooms at the Metropolitan Transportation Commission's building at 101 8th Street, which they can continue to use. As noted in the Draft IS/MND (p. 53), increased use of local parks would be temporary and substantial deterioration of the existing facilities would not be anticipated.

Please note that although the project consists of dismantling the aboveground portion of the Lake Merritt Administration building, the Lake Merritt BART Station will not be closed and will remain in operation throughout the project.

Note: Comments D – K were made at the Public Hearing, held on May 3, 2006. The Public Hearing transcript in Section 3 contains these comments, in their entirety.

Response to Evelyn Loo - Comment D

The commenter read a letter, which was also submitted separately and is responded to above. Please see responses to comments A-9 through A-12.

Response to Edward Loo - Comment E

The commenter read a letter, which was also submitted separately and is responded to above. Please see responses to comments A-3 through A-8.

Response to Julia Carrasquero - Comment F

Response to Comment F-1: The commenter asks that BART continue to keep the BART LMA Plaza open and to participate in an effort to remove debris from Madison Square Park and to find services that will remove the homeless from that park.

During the course of the project, it will be essential for the public to vacate the LMA Plaza, with the exception of the immediate entrances/exits of the Lake Merritt BART Station. Regarding the relocation of current LMA Plaza users to Madison Square Park, please see responses to comments A-1, A-2 and A-11. The City of Oakland owns and operates the park and is responsible for debris removal.

Response to Don Schmidt- Comment G

Response to Comment G-1: The commenter compliments BART on the Proposed Project to remove the aboveground portion of the LMA Building for the purpose of seismic safety. The comment is noted. Please see response to Comment A-1.

Response to Comment G-2: The commenter notes that the figure of 100 recreational group members cited in the Draft IS/MND accurately describes the number of individuals on the LMA Plaza at one time. Please see response to Comment A-11.

Response to Comment G-3: The commenter suggests improvements, which could be made at Madison Square Park. To the extent that existing conditions at Madison Square Park could benefit from bathrooms and other improvements suggested by the commenter, such improvements are the responsibility of the City of Oakland and may be taken into account in its future plans for the park (see response to Comment A-2). However, such improvements are not required as mitigation for this project under CEQA. Please see response to Comment C-1.

Response to Joyce Wren - Comment H

Response to Comment H-1: The commenter asks that BART consider maintenance needs and anti-crime measures in their design for the restored LMA Plaza.

Following the dismantling of the LMA Building, BART will restore and maintain the LMA Plaza. Regarding security and anti-crime measures, BART Police Department (BPD) Headquarters will continue to be housed in the basement of LMA and there will continue to be significant amount of comings and goings of BPD officers. As such, the level of security provided by BPD at the LMA Plaza will remain unchanged following project construction.

Response to Carl Chan - Comment I

Response to Comment I-1: The commenter compliments BART on the language access provided for the Public Hearing. BART appreciates the opportunity to work with the Chinese Chamber of Commerce and City of Oakland on the resolution of issues of concern to the community.

Response to Comment I-2: The comment is in regards to suggested improvements to Madison Square Park, which include the amount of level surface, lighting, and measures to remove homeless from the park and improve safety. See responses to Comments A-1 and A-2, above.

Regarding lighting, existing conditions at the LMA Building Plaza and Madison Square Park are comparable. Furthermore, the schedule of classes at the LMA Building Plaza does not include any classes in the evenings. As such, the lighting at both the BART LMA Plaza and Madison Square Park would not be needed during the tai chi and other recreational classes.

To the extent that existing conditions at Madison Square Park could benefit from lighting improvements, such improvements are the responsibility of the City of Oakland and may be taken into account in its future plans for the park (see response to comment A-2). However, such improvements are not required as mitigation for this project under CEQA, since CEQA requires mitigation for significant adverse environmental impacts caused by a project, as compared to existing baseline conditions.

Response to Comment I-3: The commenter notes the needs of the recreational groups. Please see responses to Comments A-1 and A-2 and A-11, above.

Response to Comment I-4: The commenter states that he looks forward to working with BART on this project. BART looks forward to working with the Chinese Chamber of Commerce and the City of Oakland in keeping the community informed about alternative locations and project scheduling, and in the City's planning process for the future of Madison Square Park. Please see responses to comments A-1 and A-2.

Response to Chris Tom - Comment J

Response to Comment J-1: The commenter announced that Oakland's City Council may soon begin the process of creating a master plan for Madison Square Park. The commenter noted that the master planning process could involve BART.

The comment is noted. BART looks forward to working with the City in its planning process for the future of Madison Square Park. Please see response to comment A-2.

Response to Raymond Chan - Comment K

Response to Comment K-1: The commenter, a former BART employee recalls maintenance efforts carried out by BART at Madison Square Park. The commenter asks the lighting and the amount of level surface in Madison Square Park be improved and/or increased.

Please see response to Comments A-1, A-2, A-11, and I-2, above.

Response to Kee Lam - Comment L

Response to Comment L-1: The comment requests that high-rise condominium buildings in Oakland should include parking spaces inside the building. This request is not related to the LMA Dismantling Project and should be directed to the City of Oakland.

Section 3

Public Hearing Transcript

5 BART Plaza since 1997 for tai chi.

6 MS. PFEIFFER: (Speaking Cantonese.)

7 MS. LOO: (Speaking Cantonese.)

8 (In English) Oh, I'm speaking. I guess
9 my 10 years did something.

10 MS. PFEIFFER: That's okay.

11 MS. LOO: Comedy.

12 MS. GOODWIN: That was cute.

13 MS. LOO: I actually want to thank
14 Lawrence Si fu, who introduced me to tai chi and
15 qi gong in 1997.

16 MS. PFEIFFER: (Speaking Cantonese.)

17 MS. LOO: We are very concerned with our
18 future use of the plaza, so we have drafted a letter
19 which we will deliver to you and/or the city council
20 on or before May 19th of this year.

21 MS. PFEIFFER: (Speaking Cantonese.)

22 MS. LOO: By then, we hope to have over
23 500 -- 600 people endorsing this letter. Currently,
24 we have about 400 endorsements.

25 MS. PFEIFFER: (Speaking Cantonese.)

26

1 MS. LOO: Now I would like to read this
2 letter that my husband, Edward Loo, wrote. Okay?

3 MS. PFEIFFER: (Speaking Cantonese.)

4 MS. LOO: (Reading): Firstly, we are most
5 appreciative and thankful that BART has allowed us
6 the use of Lake Merritt BART Plaza to exercise every
7 day.

8 MS. PFEIFFER: (Speaking Cantonese.)

9 MS. L00: (Reading): The headquarters
10 building on the site is set for demolition,
11 necessitating the relocation of the exercise group.
12 MS. PFEIFFER: (Speaking Cantonese.)
13 MS. L00: (Reading): We would support
14 the relocation to Madison Park across the street from
15 BART Plaza, provided that the park is redesigned and
16 construction be completed so that the park is safe,
17 secure and useable.
18 MS. PFEIFFER: (Speaking Cantonese.)
19 MS. L00: (Reading): Background. Since
20 the early 1980's, Lake Merritt BART Plaza has been
21 used by many to achieve good physical and mental
22 health through exercise.
23 MS. PFEIFFER: (Speaking Cantonese.)
24 MS. L00: (Reading): Every day of the year,
25 rain or shine, people from all over would appear as

D (cont'd)

27

1 early as 6:30 to do their thing, be it tai chi, qigong,
2 line dancing, ballroom dancing, lion/dragon dance,
3 martial arts, et cetera.
4 MS. PFEIFFER: (Speaking Cantonese.)
5 MS. L00: (Reading): Many of the participants
6 are seniors in their 60's, 70's, 80's and 90's. We have
7 a total of 33 activity groups, most of which are there
8 daily.
9 MS. PFEIFFER: (Speaking Cantonese.)
10 MS. L00: (Reading): On a busy day --
11 usually Sunday -- there would be over 500 participants.
12 Please see Attachment A for further details

13 on the group activities.

14 (End reading.)

15 Since I'm running out of time because of
16 this -- I'm sure you're all aware of what we are
17 about to do, so...

18 MS. PFEIFFER: (Speaking Cantonese.)

19 MS. L00: I'm going to finish reading the
20 letter in English.

21 (Reading): Current conditions at Madison
22 Park are so unsatisfactory that our people will not go
23 there. Many homeless are there day and night, thereby
24 causing the park to be unfit and unsafe for use. The
25 security issue is a particular problem, since over 65

28

D (cont'd)

1 percent of our participants are women. In addition,
2 the park lacks sufficient flat surface area to fit us
3 all. In any event, Madison Park must be redesigned
4 and construction be completed prior to the demolition
5 of the BART building.

6 Visitors on the plaza have often expressed
7 that they wish they had something similar in their
8 community. In fact, Comcast was so fascinated that
9 they did a program on us.

10 Perhaps the park can be developed and
11 improved to a level where Oakland would be proud to
12 dedicate it as a tai chi park.

13 It is our hope that the aforementioned can
14 be accomplished.

15 Again, we collectively thank BART for the
16 use of the plaza.

17 Please do not hesitate to contact me if I
18 could be of assistance.
19 Sincerely, Edward Loo, BART plaza tai chi.
20 MS. PFEIFFER: (Speaking Cantonese.)
21 MS. GOODWIN: Next?
22 MS. LOO: Thank you, Anna, for helping me
23 out.
24 MS. GOODWIN: Yes, please.
25 MR. LOO: Good evening. I'm Edward Loo, the

29

1 less-verbose guy from Montclair.
2 I will need your help.
3 MS. PFEIFFER: Okay. (Speaking Cantonese.)
4 MR. LOO: (Reading): I have reviewed DIS
5 and, unfortunately, I find that the study is totally
6 inadequate where it addresses our use of the plaza.
7 The study must be revised to recognize and
8 reflect the following.
9 MS. PFEIFFER: (Speaking Cantonese.)
10 MR. LOO: (Reading): One, that we have
11 been using the plaza continuously and uninterruptedly
12 since the early 1980's, a period of 25 years.
13 MS. PFEIFFER: (Speaking Cantonese.)
14 MR. LOO: (Reading): As such, it is possible
15 that we may have created a realty interest on the plaza
16 property itself; i.e., a prescriptive easement or what
17 they call implied dedication.
18 MS. PFEIFFER: (Speaking Cantonese.)
19 Oh, you're right here. I'm sorry.
20 MR. LOO: (Pointing.)

E

21 MS. PFEIFFER: I don't know how to

22 translate that.

23 MR. L00: That's okay.

24 (Reading): Number two, that there are

25 currently 33 groups of activities doing various

30

1 exercises.

2 I have developed a spreadsheet to show our
3 groups, their respective schedules and the number of
4 participants in each group. That's this.

E (cont'd)

5 The spreadsheet indicates that the total
6 number of participants is approximately 600. That is
7 500 percent more than the more than the, quotes, 100
8 tai chi participants now indicated in the DIS. So,
9 the DIS grossly low profiled what we do.

10 MS. PFEIFFER: (Speaking Cantonese.)

11 MR. L00: (Reading): Three, that many of
12 the daily users are seniors in their 60's, 70's, 80's
13 and 90's who come to the plaza to achieve good physical
14 and mental health, as well as longevity.

15 MS. PFEIFFER: (Speaking Cantonese.)

16 MR. L00: (Reading): Four. The current
17 activities include various styles of tai chi, qi gong,
18 various sword sets, fan sets, line and ballroom
19 dancing, various forms of gung fu, dragon and lion
20 dance, meditation, shuttlecock kicking and Chinese
21 chess.

22 Five, that the future success of all the
23 groups requires that they remain together at a single
24 site so as to not lose its charm and excitement. Also

25 important is that any new site must be highly visible

31

1 to the public in order to attract new participants.

E (cont'd)

2 If we don't have visibility, the group will die.

3 MS. PFEIFFER: (Speaking Cantonese.)

4 MR. LOO: (Reading): Most important of all,
5 we strongly urge that the DIS be revised to indicate
6 that our use of the site be designated as "significant"
7 and that mitigation is required to relocate our groups.

8 MS. PFEIFFER: (Speaking Cantonese.)

9 MR. LOO: Thank you for the opportunity
10 to speak.

11 MS. GOODWIN: Thank you.

12 MS. CARRASQUERO: There we go.

13 Good evening, ladies and gentlemen, BART
14 representatives.

15 My name is Julia Carrasquero. That's
16 spelled C A R R A S Q U E R O. I'm a chief warrant
17 officer of the United States Army, and I was fortunate
18 to be transferred six and a half years ago to Oakland,
19 to the Bay Area. So, here's my statement in regards
20 to my friends and the BART situation.

21 I have been living in Oakland for six and
22 a half years, and I have been very fortunate to find
23 a community of people who welcomed me with open arms
24 and changed my life here in the Bay Area. These
25 people, some of them are here today. They meet at

F-1

32

1 the BART Plaza. It's a large Chinese community from

2 Oakland and Chinatown. And not only they have embraced
3 me, but they also have embraced a multi-generational,
4 cross-cultural and interracial group of people from
5 Oakland and the surrounding area of BART Plaza.

6 These activities that we do here on a
7 daily basis, Monday through Sunday, would not have
8 been possible for the Oakland Chinatown community at
9 the heart of this activity if not for the generosity
10 of BART to allow the public access to the space that
11 we normally use. The community would not have been
12 able to afford the lessons. They would not have
13 been able to expose so many people to form lasting
14 friendships. They would not have been able to have
15 the healthy and safe social interactions they have
16 extended to all of us -- Asians, Latinos, black,
17 white -- who have been welcomed by them.

18 I would suffer from a great loss from this
19 as well because, when I came to the Bay Area, I could
20 not afford, due to a higher cost-of-living, to pursue
21 my own studies in martial arts.

22 This coming together has also made it
23 possible for elders to lead active lives that otherwise
24 might not be -- might be sedentary and harmful to them.
25 Without access to this space, none of us would have been

33

1 able to thrive as we have.

2 I encourage BART, in whatever partnership
3 they establish or maintain, to continue to keep the
4 BART Plaza open to the Asian community and to all of
5 us that they have welcomed.

6 I encourage you to support, participate in
7 or even to spark an effort to have the nearby Madison
8 Park to be clean of all debris -- that often includes
9 alcohol paraphernalia and so on -- and to find services
10 that will remove the homeless from that park, so that
11 the Chinese community, toddlers through elders and
12 their friends, can use this as a place to get together
13 in the future. Before that happens, please allow us to
14 continue to participate in this gathering together at
15 the BART Plaza.

16 I really appreciate your thoughts and your
17 helping us this through this. And I'm speaking for
18 the whole community as well.

19 So, thank you again, and thank you to you
20 all who have made it possible for me to participate.

21 MS. PFEIFFER: (Speaking Cantonese.)

22 MS. CARRASQUERO: They know it.

23 MS. PFEIFFER: (Speaking Cantonese.)

24 MR. SCHMITT: My name is Don Schmitt from
25 Alameda.

F-1
(cont'd)

34

1 And I want to congratulate BART on being
2 proactive. Every time I ride under the tube, I hold
3 my breath that there's not an earthquake. So, any
4 improvements are welcome.

5 I was told about the tai chi gathering at
6 the Lake Merritt Station by a co-worker. So, when
7 I retired about six years ago, that was one of the
8 first things that I decided to do. And one of the
9 first people that welcomed me was Lawrence Si gong

G-1

10 (phonetic), Lawrence Choi and Tai tai Ruby. I met
11 many "pengyou" -- good friends -- some of them are
12 here tonight -- and very generous tai chi teachers
13 who are willing to share their knowledge.

14 So, again, with so many people practicing
15 it at the plaza, I've been concerned myself, in
16 case of an earthquake, about them standing under
17 the building. I think this is an excellent thing
18 you're doing to do this in such a safe, well thought
19 out manner.

G-1 (cont'd)

20 Just a clarification on the numbers, a
21 hundred people versus 500. I think probably the
22 100 is accurate at any one time but, over time,
23 there could easily be 500 people here who may come
24 once a week, once a month.

G-2

25 Now, as far as relocating the groups, the

35

1 natural place is Madison Park.

2 Some groups do meet at Laney. I was
3 motivated to take a Mandarin class at Laney from
4 wanting to communicate better. I'm not sure it helped.
5 It's a difficult language. But, you know, just on the
6 Internet last night I saw "If you want to improve your
7 intellect, learn Chinese as you begin to get older,
8 because of the tonal system."

G-3

9 Now, as far as Madison Park goes, what
10 could be done? I don't have quite as ambitious a
11 request. But it is a multi-use park and multi-ethnic.
12 Its location to Chinatown means that shoppers go through
13 there. It will be used by seniors, local residents,

14 parents with children, the homeless -- I'm not sure
15 they should be removed. I think they should be
16 welcomed, too -- exercisers, families, BART patrons,
17 among others.

18 Now, I understand there is no provision
19 being made in the retrofitted space for a bathroom.

20 Is that correct?

21 MS. McARTHUR: (Nods head.).

22 MR. SCHMITT: That is one big-ticket item
23 that could, perhaps, be coordinated with the city to
24 provide for a bath space. There is a port-a-potty,
25 but I'm not sure many would want to use it.

G-3 (cont'd)

36

1 Then other simple things.

2 A few of us walked over and did a quick
3 evaluation of what could be done simply to improve
4 Madison Park. I noticed that, while the drinking
5 fountain is working, it is clogged. So, it would be
6 simple to fix that. There were weeds in the childrens'
7 playground that could be removed. The lawns have not
8 been mowed in a while. And maybe some flowers planted.
9 Otherwise, it seems to me that it's a pretty good
10 space, aside from the bathrooms. These are not
11 major high-cost items and, perhaps, with the city
12 and BART working together, it could be very feasible.

13 Thank you.

14 MS. PFEIFFER: (Speaking Cantonese.)

15 MS. GOODWIN: Thank you.

16 MS. WREN: Hi. My name is Joyce Wren, and
17 my family has lived in this neighborhood for 15 years.

18 I still live here.

19 I think it's quite evident, by all the
20 speakers that have come before me, that BART Plaza
21 holds a very warm spot in a lot of peoples' hearts.
22 I think the reason why it does is because the plaza
23 has been under the aegis of the administration building.
24 Every morning when I walk to BART and I see someone
25 hosing down the sidewalk, I know it's because it's

37

H-1

1 part of the grounds maintenance for the administration
2 building.

3 I think what people are concerned about
4 here is that -- not only for the immediate relocation
5 of, you know, the tai chi practice, but also two years
6 from now when you have finished with the dismantling,
7 this beautiful, open use space, will it demise (sic)
8 to the same level that Madison Square has? Madison
9 Square is used in some parts as a lavatory. It smells
10 like a latrine. There is drug activity.

11 I would hope that, when the BART authorities
12 think about this space, that they think about everyone
13 that has spoken here with, I think, true, heartfelt
14 sentiments and consider in their design elements some
15 measures for anti-crime proliferation, maintenance and
16 the continuance of this very special spot to be used by
17 the people in the community.

18 Thank you.

19 MS. PFEIFFER: (Speaking Cantonese.)

20 MS. GOODWIN: Next?

21 MS. CHAN: Hello. My name is Carl Chan,
Page 33

22 C H A N, on behalf of the Oakland Chinatown Chamber
23 of Commerce.

24 And I would like to do my own translation,
25 but for the essence of time, I'll translate only the

38

1 essence, not word by word.

2 (Speaking.)

3 First I would like to pay compliments to
4 BART because of your language access, giving us the
5 translation and providing the facilitation for the
6 folks who have been using this plaza to exercise for
7 the last many, many years.

8 (Speaking.)

9 Let's give them a big hand.

10 And the reason why I would thank BART
11 is because the Chamber, and also with the Chinatown
12 Committee, we have been working with BART. They've
13 been a good -- basically, a good partner with all of
14 us in finding out what our needs are, and they've been
15 doing such a good job.

16 (Speaking.)

17 But before I would like to move on, I would
18 like to acknowledge folks. They are here tonight.
19 Basically, you're talking about 600 folks supposed
20 to be exercising, but not all of them are being able
21 to be here because of evening time. And most folks
22 cannot come out that late.

23 So, I would like to acknowledge them.

24 (Speaking.)

25 Please stand up. I would like to acknowledge

1 you.

2 (Speaking.)

3 Give yourself a big hand.

4 All right. Thank you.

5 I just want to say quickly that I've been
6 in Oakland since the early 70's. I have seen the
7 folks doing tai chi exercises for the past -- my God --
8 for so many years. Eventually I will be one of them,
9 you know. Even though they're saying from 60 to 90
10 years old, I'm getting there. And the folks I've seen
11 before, they are still there. So that means the tai
12 chi exercise is doing good for them.

13 (Speaking.)

14 But I would say that, besides it's a good
15 health and good exercise among the folks here but,
16 really, it is part of the fixtures of our community,
17 and, basically, it creates a good character for
18 Chinatown area.

I-2

19 And, also, it's creating safety. I have
20 heard so many folks telling me that, when they walk to
21 BART station, seeing folks doing exercises, they feel
22 that it's much safer because they're seeing 20 or 30,
23 40 people doing exercises. So, when they walk over
24 to the BART station, taking the BART, they feel that,
25 "Wow, you know, I'm not alone." So, that is a good

1 thing.

2 Well, also I wanted to emphasize one thing.
3 It really is a traditional value for many of us, you
4 know, doing these exercises and doing these tai chi
5 exercises and, of course, line dancing and everything.
6 Actually, I was invited to do it, but I wasn't able to
7 take time out. But I promise you, one day I'll join
8 you pretty soon.

I-2 (cont'd)

9 (Speaking.)

10 I'm not joking. I mean it.

11 (Speaking.)

12 But, of course, you know, Mr. Loo is
13 gracious enough to be working with his wife and
14 taking a little issue with everybody. They are looking
15 forward.

16 And, also, I forgot to mention this earlier.
17 Besides I'm representing the Chamber, I'm supposed to
18 be representing the Councilmember President, Ignacio de
19 la Fuente and, also, our City Council member in District
20 2, Pat Kernighan, even though the chief of staff will
21 be here and telling you the perspective from the city.
22 Earlier, I was talking with Henry Chang, Jr., a City
23 Council member, as well as Vice-Mayor Jean Quan. They
24 would like to extend the support of what you are doing
25

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1 here to helping our seniors to achieve what they would
2 like to do.

3 (Speaking.)

4 Earlier, we mentioned about utilizing
5 Madison Park. I'm sure Mr. Loo mentioned all the

6 other things that we need. Basically, they're talking
7 about a flat surface, the lighting, the homeless issue
8 and, also, the safety for the people.

9 I also want to mention that over here we
10 have Monique Tsang. She's service coordinator for
11 the NCPC, Neighborhood Crime Prevention Council.
12 In fact, I'm the chairperson for the Chinatown area.
13 We're trying to help not just the seniors but the
14 residents in the area how to utilize Madison Park
15 safely and effectively.

16 The gentleman earlier mentioned about --
17 we're not here to kick out the homeless. Don't get us
18 wrong. We try to work with the city and everybody and,
19 also, to work with the homeless so they're able to have
20 a safer location, at the same time creating space and
21 safety for our seniors to be able to use Madison Park.

22 (Speaking.)

23 I know that Mr. Ed Loo and the wife and
24 everybody, they are mentioning about signatures.

25 We met only on Friday, because the notice

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1 came in so short for many of the folks to be -- to get
2 the notice. So, I had a chance to talk to Mr. Ed Lo on
3 Friday.

4 I said, "You know what? Do me a favor. Try
5 to get a signature drive."

6 So, my goal is to get at least a hundred,
7 and now they're getting -- what? Five, six hundred.
8 And the reason why they're still hanging onto this is I
9 know they are trying to get more signatures, because we

10 understand there are so many people in support of BART
11 helping our seniors to be able to utilize a new location
12 here.

13 (Speaking.)

14 I don't want to spend too much time, keep
15 on talking, but I just want to say this. For the
16 Chamber, for me as an individual, but also for City
17 Council members and many of us who would like to
18 work with BART together and create a win/win situation
19 for everybody -- and, in fact, Molly will be working
20 endlessly with Asian Health Services and the Chamber
21 and the whole entire community. And I'm sure that we
22 can do something.

23 But I also want people to understand that
24 BART -- they are not here to kick you out. BART has
25 to do this. We have to do the demolition. But at

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1 the same time, they would like and I believe they
2 would try to accommodate all of you together, and
3 especially those who are in and out daily using this
4 plaza. And definitely the city, me individually, the
5 Chamber and Chris here would tell you more about what
6 the city would do for all of us.

7 So, I want to thank you all for allowing me
8 to spend more than my three Chinese minutes. So, thank
9 you so very much.

10 I want to quickly say this to the folks in
11 Chinese.

12 (Speaking.)

13 Thank you so very much.

I-4

14 MR. TOM: Carl is always a very hard act to
15 follow.

16 MS. GOODWIN: Could you introduce yourself,
17 please?

18 Yes, I will.

19 My name is Chris Tom. I'm here on behalf
20 of Councilmember Pat Kernighan. I am her chief of
21 staff, and I have retained Carl to be my interpreter,
22 because we work very closely together.

23 I want to begin by thanking Molly for doing
24 all of her due diligence. She met with the Council
25 office. She really asked us for our input and asked

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1 for advice as to who should be invited to this meeting.
2 And I think she's done a wonderful job.

3 So, thank you, Molly.

4 MS. McARTHUR: Thank you.

5 MR. TOM: We have been very confused about
6 what to do with Madison Square Park for many years now.
7 Despite its faults, we all see an opportunity to work
8 jointly together with the community, with the City of
9 Oakland and with BART has come upon us. We have this
10 opportunity.

11 And the Councilmembers are eager to move
12 forward with all of you to find a suitable location
13 where our tai chi park users can continue their
14 activities. We all recognize and extoll the virtues
15 of this community, and we certainly want to preserve
16 it in District 2. So, we look forward in the coming
17 weeks to beginning a process of possibly doing a master

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18 plan for Madison Square Park and exploring with BART
19 any possible synergies with respect to planning,
20 finding funds for construction or other ways of really
21 mitigating the problems and challenges that we're faced
22 with tonight. And we look forward to working with you
23 in the community to really populate that park again.

J-1 (cont'd)

24 I believe that before my time, before your
25 time, that park was used. And we hope to revive it.

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1 So, we need your help, and we need your help as well.

2 So, thank you for this meeting.

3 And I'll turn it over to Carl.

4 MR. CHAN: (Speaking.)

5 MS. GOODWIN: Next?

6 How many more speakers after the ones that
7 are lined up that have not stood up but want to speak?

8 You may be last.

9 Okay. Anna will help you.

10 MR. RAYMOND CHAN: Thank you.

11 My name is Raymond Chan. I worked for
12 BART for 20 years. I'm a retired manager of
13 electrical, mechanical engineering, and I live in
14 Oakland and Chinatown. I had to move here because my
15 wife passed away 15 years ago. I cannot cook. So,
16 I had to move to Chinatown for Chinese food.

17 MS. PFEIFFER: (Speaking Cantonese.)

18

19 MR. RAYMOND CHAN: Well, you know, when I
20 was working for BART, we used to maintain Madison Park.
21 I remember painting the dragon over there and painting

K-1

22 the swing set. And our contractors from England used
23 to go over there and play volleyball every day.
24 I don't know if you remember that.
25 I tried to get them to put in a putting

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1 green down here, but they didn't do it.
2 MS. PFEIFFER: (Speaking Cantonese.)
3 MR. RAYMOND CHAN: So, it's not strange
4 that BART would maintain Madison Park. That's what
5 I'm trying to say.
6 And as for the lighting, I think it should
7 be improved, because lots of us exercise, you know,
8 in the wintertime, before it gets light. So, I think
9 the lighting should be improved and maybe a larger
10 level area.
11 MS. PFEIFFER: (Speaking Cantonese.)
12 MR. RAYMOND CHAN: Well, anyway. (Speaking
13 Chinese himself.)
14 I knew Anna before my Chinese has improved
15 because I work at Family Bridges, so... Well.
16 So, I really think that it's a good idea to
17 use Madison Park, even though sometimes, in the past,
18 a BART employee will cross the park and get robbed.
19 But with that many of us there, I hope not.
20 MS. PFEIFFER: (Speaking Cantonese.)
21 MR. RAYMOND CHAN: (Speaking Chinese.)
22 So, I disagree with Don. I was taught
23 Mandarin in the Air Force. They taught me how to
24 speak Chinese. Mandarin is easy to learn, easier
25 than Cantonese, because there's only four tones,

K-1 (cont'd)

1 see? And you see all the Caucasians on Chinese TV,
2 they all speak Mandarin. No one speaks Cantonese.

3 MS. PFEIFFER: (Speaking Cantonese.)

4 MR. RAYMOND CHAN: Well, that's about all
5 I have to say.

6 And, also, you should see -- when I
7 exercise out there in the morning -- I exercise
8 out there, you know. And I want to thank Si fu Choi,
9 Mr. Choi there. You don't have to pay to exercise
10 with them.

11 I used to join the Oakland Athletic Club,
12 and they bel lied up. I had one in Walnut Creek.
13 They bel lied up.

14 So, exercising with him is really good,
15 because my Japanese masseuse would say, "Where did
16 you exercise? Your muscle tone is great."

17 I said, "I've been doing Chinese exercise
18 with seniors."

19 So, it really helps.

20 And more than that. You should see this
21 one woman. She's in a wheel chair, yet she's exercising
22 with us, moving her legs and arms and everything. So,
23 you should really see that.

24 That's all I have to say. Thank you.

25 MS. PFEIFFER: (Speaking Cantonese.)

1 MS. GOODWIN: /ext.

2 MR. LAM: My name is Kee Lam. I live in
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3 Hayward.

4 I come to exercise on the weekends. And
5 my parents, they live in Chinatown in Oakland, and
6 they're doing that for over 15 years. And they have a
7 very good healthy life. And I have a lot of friends in
8 the park there, too.

9 I hope that -- I'd like to say something
10 about the parking.

11 In Oakland I hope it's not going to be
12 the second San Francisco. You know, parking in San
13 Francisco is very, very difficult there. So, instead
14 of building a lot of high-rise buildings for the condos,
15 I hope the city would build a few more of the parking --
16 for the parking space in the building.

17 (Speaking Cantonese.)

18 Thank you.

19 MS. GOODWIN: Before we close the public
20 input part of the meeting, is there anyone else who
21 would wish to speak?

22 MS. PFEIFFER: (Speaking Cantonese.)

23 MS. GOODWIN: Molly, if you would give us
24 the next step?

25 MS. McARTHUR: So, this formally closes

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1 the environmental comment for this evening.

2 Remember that, although you may have chosen
3 not to comment this evening, you still have 30 days to
4 comment. You can comment in writing, by fax, by mail,
5 by e-mail.

6 MS. PFEIFFER: (Speaking Cantonese.)
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APPENDIX A

TO: Paul Medved

DATE: August 28, 2006

FROM: Judis Santos

**PROJECT
NO:**

SUBJECT: Deliverable 1: Draft Memorandum –
Count Analysis for LMA Plaza and
Madison Square Park

PROJECT: BART LMA Dismantling
Project – Environmental
Planning

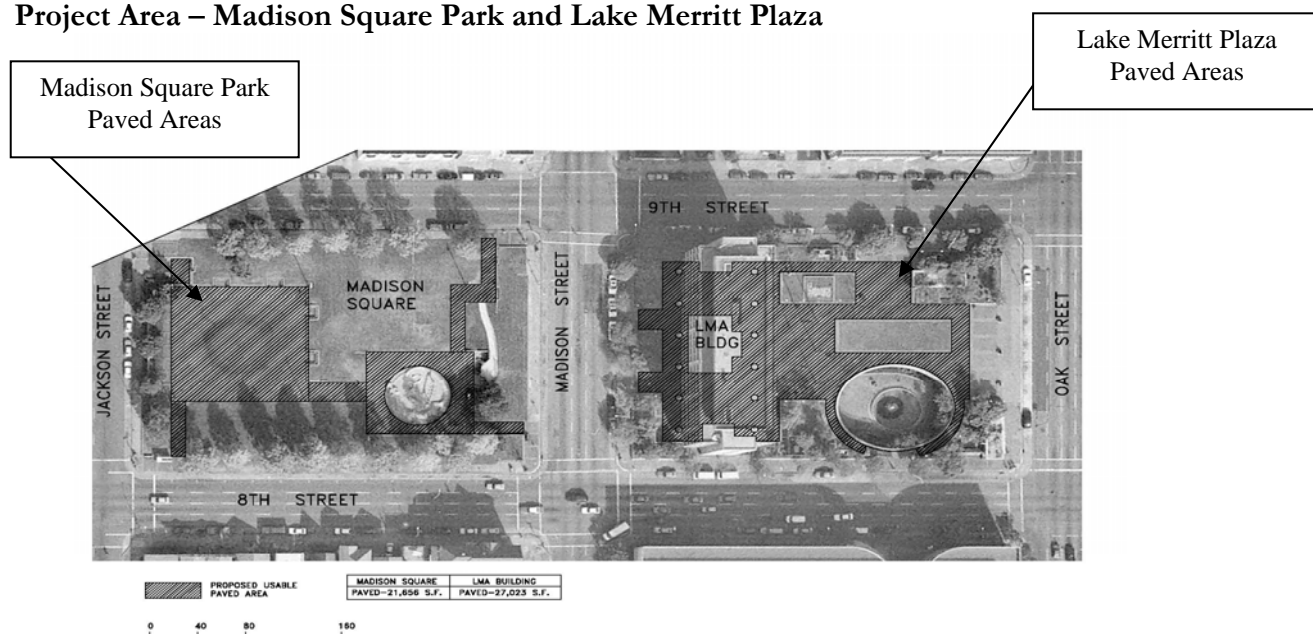
As part of the LMA Building Dismantling Project and in response to public comments received on the April 2006 Draft Initial Study/Mitigated Negative Declaration (IS/MND), BART initiated a study to conduct a count analysis assessing the number of persons utilizing the LMA Building's landscaped plaza and Madison Square Park.

The purpose of this memorandum is to document existing recreational use of the Lake Merritt Administration (LMA) Plaza and Madison Square Park. The memorandum will include area graphics, data collection methodology, recreational use counts, and a summary on observed usage.

Project Area:

The Lake Merritt Administration Plaza which is part of the LMA Building is located in the Downtown/Chinatown neighborhood in Oakland, CA. The Plaza is located along the northwestern edge of the city block, at 800 Madison Street bounded by Madison, Oak, 8th, and 9th Streets. Figure 1 below identifies usable paved areas defined as any area that is level, paved, and provides adequate space for an individual to perform recreational-type activities. Usable paved areas for the Plaza is 27,023 square feet. Madison Square Park is located adjacent to the Plaza bounded by 8th, Jackson, 9th, and Madison Streets. Usable paved areas for Madison Square Park is 21,656 square feet.

Figure 1: Project Area – Madison Square Park and Lake Merritt Plaza



Methodology:

The goal of the study is to determine the amount of people utilizing the LMA Plaza and Madison Square Park for recreational use. Counts were conducted over a two-week period plus additional count days for a total of 11 days as indicated in *Table 1*.

Table 1: Observation Schedule for LMA Plaza and Madison Square Park

WEEK OF OBSERVATION (LMA Plaza & Madison Park)	SUN	M	T	W	TH	F	SAT
Week 1 - 7/16 – 7/22			●		●		
Week 2 - 7/23 – 7/29		●		●		●	
Week 3 - 8/20 to 8/26		●			●		

● Morning Observation (7:00 am – 10:00 am)

Weekend Observation (8:00 am – 11:00 am)

Individuals conducting the counts documented the highest number of people per hour for a total of three hours per day. Counting data sheets were provided to record data and describe site conditions, including weather and any extraneous occurrences.

RESULTS:

LMA Plaza Results

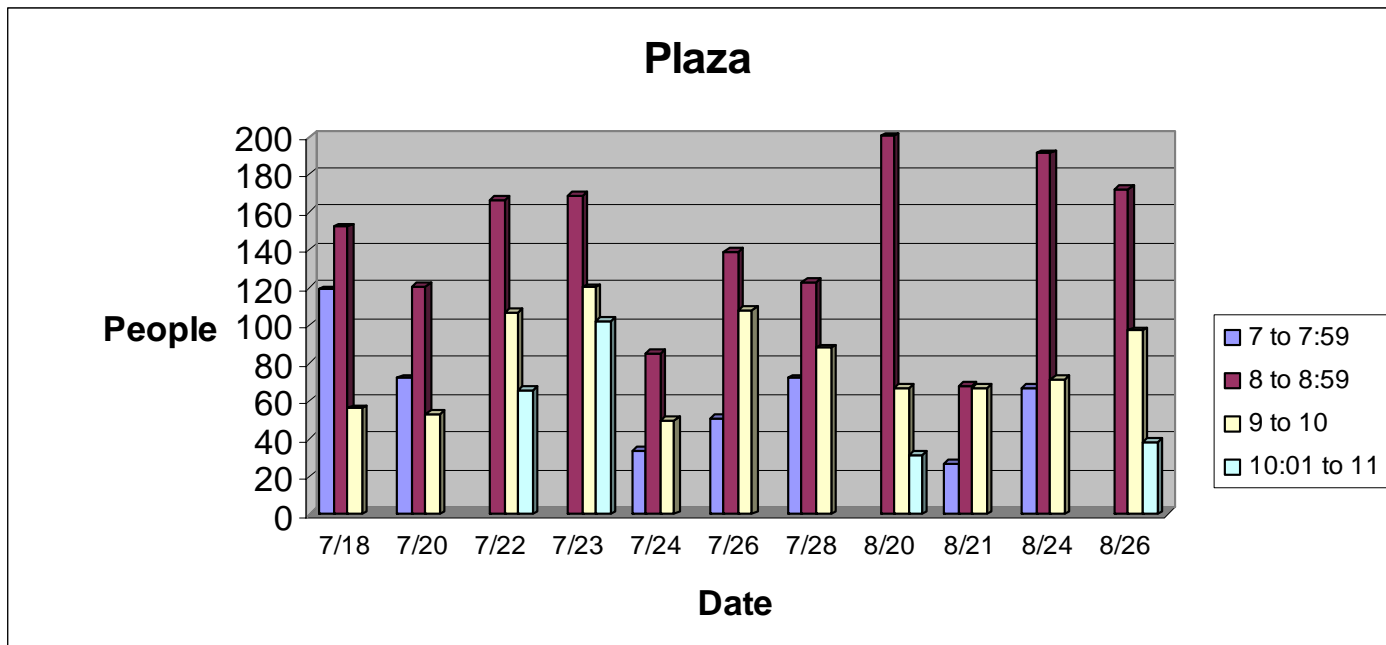
Observation count results at the LMA Plaza are presented in Table 2. Observations were made between 7 – 10 a.m. on weekdays and on 8 - 11 a.m. weekends. The results indicate that the average number of people utilizing the Plaza was 86 on weekdays (ranging from 54 on Monday to 110 on Thursday) and 111 on weekends (ranging from 99 on one Sunday to 130 on another Sunday).

The most popular hour for use of the Plaza was between 8:00 a.m. – 8:59 a.m. with an average of 126 people present on weekdays and 177 present on weekends. The highest number of persons observed in a one-hour period was 200, on Sunday between 8:00 a.m. – 8:59 a.m., while the lowest was 27, on Monday between 7:00 – 7:59 a.m. Considering the average number of people observed in each hourly observation period (i.e., the average hourly utilization), the highest average hourly utilization was 144 people, between 8:00 a.m. – 8:59 a.m., while the lowest was 59, between 10:01 a.m. – 11:00 a.m. (weekend observations only).

Table 2: LMA Plaza Observation Count Results

Observation Day	Observation Time of Day				Avg. Counts per Day
	7 to 7:59 am	8 to 8:59 am	9 to 10 am	10:01 to 11 am	
Tuesday, July 18	119	152	56		109
Thursday, July 20	72	121	53		82
Saturday, July 22		166	107	66	113
Sunday, July 23		169	120	102	130
Monday, July 24	34	85	50		56
Wednesday, July 26	51	139	108		99
Friday, July 28	72	123	88		94
Sunday, August 20		200	67	31	99
Monday, August 21	27	68	67		54
Thursday, August 24	67	191	71		110
Saturday, August 26		172	97	38	102
Avg. Counts per Hour	63	144	80	59	

Figure 2: Plaza Count Results Bar Graph



LMA Plaza Photos (weekday mornings)



LMA Plaza Photos (weekend mornings)



Madison Square Park Results

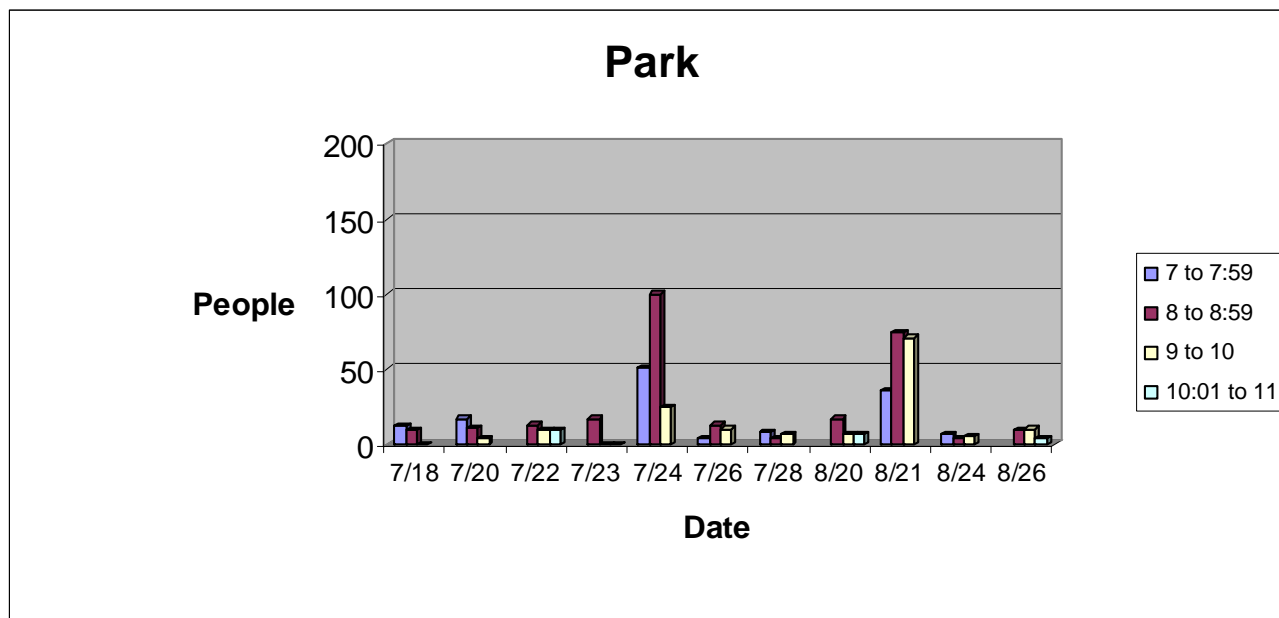
Observation count results at Madison Square Park are presented in Table 3. Observations were made between 7 – 10 a.m. on weekdays and on 8 - 11 a.m. weekends. The results indicate that the average number of people utilizing the Park was 22 on weekdays (ranging from 6 on Friday to 60 on Monday) and 9 on weekends (ranging from 6 on Sunday to 10 on Saturday and another Sunday).

The most popular hour for use of the Park was between 8:00 a.m. – 8:59 a.m. with an average of 31 people present on weekdays and 14 present on weekends. The highest number of persons observed in a one-hour period was 100, on Monday between 8:00 a.m.– 8:59 a.m., while the lowest was 0, on Tuesday and Sunday between 9 – 10 a.m. and Sunday between 10:01 – 11 a.m. The highest average hourly utilization was 25 people, between 8:00 a.m. – 8:59 a.m., while the lowest was 5, between 10:01 a.m. – 11:00 a.m. (weekend observations only).

Table 3: Madison Square Park Observation Count Results

Observation Day	Observation Time of Day				Avg. Counts per Day
	7 to 7:59 am	8 to 8:59 am	9 to 10 am	10:01 to 11 am	
Tuesday, July 18	12	9	0		7
Thursday, July 20	17	11	4		11
Saturday, July 22		13	9	9	10
Sunday, July 23		17	0	0	6
Monday, July 24	51	100	25		59
Wednesday, July 26	4	13	10		9
Friday, July 28	8	4	7		6
Sunday, August 20		17	7	7	10
Monday, August 21	36	74	71		60
Thursday, August 24	7	4	5		5
Saturday, August 26		9	10	4	8
Avg. Counts per Hour	19	25	13	5	

Figure 3: Madison Square Park Count Results Bar Graph



Madison Square Park Photos (Monday mornings)



Comparison of LMA Plaza and Madison Square Park Results

Comparing the results in Tables 2 and 3, it is clear that recreational usage of the LMA Plaza is higher than that in the Madison Square Park. However, usage of the Park is also substantial. On weekdays, the average number of people utilizing the Plaza was 86, while that in the Park was 22. On weekends, the average in the Plaza was 111 and that in the Park was 9. The most popular hour for use of both Plaza and Park was between 8:00 a.m. – 8:59 a.m. with an average of 126 people present on weekdays and 177 on weekends in the Plaza, and an average of 31 on weekdays and 14 on weekends in the Park. The highest number of persons observed in the Plaza in a one-hour period was 200, on Sunday between 8:00 a.m. – 8:59 a.m., while the highest in the Park was 100, on Monday between 8:00 a.m. – 8:59 a.m. Thus, the Plaza was most heavily used on weekend days, while the Park was most used on weekdays.

General Observations/Notes:

- Recreational groups float in and out replacing one group with another.
- Recreational activities include line dancing, sword fighting, tai chi, martial arts, hackey sack, meditation, fan dancing, and general exercising.
- Park and Plaza predominantly used by Asian American senior citizens.